

**Minutes of the Carlisle Board of Health
April 8, 2008**

Present: Board Members Jeffrey Brem (Chairman), Bill Risso, Chris Deignan, Michael Holland (absent), Leslie Cahill (absent); also present: Linda Fantasia (Agent),

The meeting was called to order at 7:30 p.m. at the town hall.

MINUTES – Next meeting.

COMMUNITY SEPTIC LOAN PROGRAM (CSLP) – After reviewing applications from other towns, the Board decided on the following: interest will be 2%; loan amount will be \$200,000; maximum loan available to homeowners will be 40,000; no income verification; ten year payback through betterments; applications can be made to the Board at any time; proof of failure must be submitted; betterments can be assumed by a new owner; the entire town is an environmentally sensitive area since every household depends on a septic system and well; the center of town will be given priority due to density and age of systems; non-conforming legal lots (< 2 acres) will also be given priority; an article authorizing the town to borrow the money has been placed on the annual town meeting warrant.

Of all the applications that the Board members considered, they were most impressed with Concord and Hopkinton. The Board will check with Concord to see if Carlisle can duplicate the application package as needed. The Board would like to offer a five-year look back for owners that have recently replaced systems, but the state has not said whether this is legal. Fantasia will prepare the Expression of Interest and Narrative, which must be approved by the Selectmen. Risso, Brem and Deignan will present the Letter and Narrative to the Selectmen. The Selectmen were made aware of the program at an earlier meeting and support the loan program.

LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) – Fantasia attended. The group discussed use of the two HAM radios received under the Citizen Corp Emergency Shelter grant. There are over forty operators in town. There is interest in providing support to the town during emergencies. Flannery will check with MEMA on how to prepare an activation plan. LEPC is interested in moving forward on an emergency notification system similar to the school. The school uses One Call but there are other vendors. It was suggested that senior tax volunteers could do data entry; the Red Balloon list may also be available. Members of the LEPC include Dave Flannery (Fire Chief), John Sullivan (Police Chief), Madonna McKenzie (Town Administrator), Marie Doyle (School Superintendent), Kathy Mull (COA Director), Linda Fantasia (BOH), Gary Davis (DPW). The group meets as needed.

500 WEST STREET – applicant withdrew his request for a hearing. Waivers are no longer required under the revised local septic regulations.

It was moved (Risso), seconded (Deignan) to accept the withdrawal. Motion passed 3-0-0.

90 PAGE BROOK ROAD – application for special permit under M.G. L. Ch. 131 sec 80A Beaver Conflicts

Dave and Florence Reed, owners, appeared before the Board. Beaver dams have caused significant flooding on their property. They had planned to replace their failed septic system in March but equipment needed to remove the trees cannot access the site because the ground is saturated. They are required to pump their tank every other week. They are concerned about the potential health risk. Reed showed the Board photographs of the dams and a location map. They would like to install water flow devices in three of the dams. There are eleven in the area, which amounts to 50-60 beavers. Property owners of the land where the dams are located have consented. The Reeds are seeking an Emergency Order from the Conservation Commission. They are requesting a 10-day special permit from the Board of Health, with the start of work as soon as Reed can access the dams. He plans to do the work himself by hand using a canoe for access. The Board agreed to issue a permit and to give Reed some leeway as to when to start the 10-day period begins, but no more than 30 days from 4/8/08.

It was moved (Deignan) and seconded (Risso) to issue a 10-day emergency beaver permit under M.G. L. Ch 131 Sec 80A to install water leveling devices in three dams in order to alleviate a public health threat due to a flooded septic system. Motion passed 3-0-0.

ZBA 40BWORKING GROUP – Ed Rolfe, ZBA, appeared before the Board to answer questions on the proposed changes to the local regulations governing 40B applications and recent changes instituted by DHCD. Rolfe explained that the last 40B filing (Coventry Woods) demonstrated a number of deficiencies in the review process. The Selectmen suggested forming a working group to improve the process. A draft had been circulated to land use departments for comments.

Brem said that other towns, such as Acton, have a different approach and provide overlay districts of preferable areas for affordable housing. Rolfe said a few years ago that the Housing Authority identified some specific sites. Brem said an overlay district is more comprehensive. It can be an incentive to developers since there is less opposition if the project is in an area that meets the town's criteria for affordable housing. Brem said a town could also do the opposite – areas where it would not want 40B development. Risso asked if there could be a density cap. Brem said this could be a guideline. Rolfe said ZBA might look at this again. Rolfe said the state did a build out for Carlisle a few years ago and thought the maximum number of households would be 8000. Brem explained how Littleton has a formula using topography as a guide, which can be evaluated to justify a density number. Brem suggested considering a guideline for determining density based on certain land features. It could make some areas more developable, but only certain lots.

Brem noted that the Board of Health could only comment on the data presented. This was a problem with the Coventry Woods filing, which did not provide the kind of data the Board required to make a specific recommendation. The alternative would be to make certain assumptions and take a second look when the data becomes available. Rolfe said this issue has not been addressed by the 40BWG. He is concerned that DHCD dictates the process almost forcing the local authority to rubber stamp the process. It is very difficult to provide sufficient detail without delaying the process.

Rolfe then summarized some of the major changes in the law. Projects are now required to have a “mixed” use. Even if a project is deniable because of a deficiency, the ZBA must still go through the public hearing process. ZBE now has 180 days to complete the hearing. Deciding whether an application is complete will require extra time from town staff. Legal fees can be recovered only for consulting purposes, not providing legal counsel. The applicant can no longer pay for offsite improvements unless the same standard is applied to all developments. Rolfe said other agencies had submitted negative comments when the new law was being reviewed, but no changes were made.

Brem asked about the escrow account of \$30,000 for Coventry Woods. This amount may be too big for a small 3-4 unit development, or a friendly 40B. He also noted that many of the special items that were requested for Coventry Woods have been built into the revised local regulations, such as retaining monitoring wells at the Board's discretion. Hydrological testing will now be required for large systems. The Board plans to look at irrigation wells when it revises the local well regulations.

Brem explained how the Board of Health had prepared an RFP prior to a filing from Coventry Woods so that it would be prepared to have the plan peer reviewed at once. The Board only has 45 days to make its decision. It would be helpful if the ZBA employed consultants with the particular expertise required by a filing, rather than looking for three or four different consultants. Larger firms provide a menu of areas of expertise. Special fees, necessary for the review and fieldwork for larger septic systems, should be required by the ZBA as a condition of the permit. If a plan meets all the regulations, the Board of Health must approve. The Board cannot ask for more from a 40B project than it would normally for any subdivision. The only discretion the Board has is in deciding requests for waivers.

Rolfe thanked the Board for their input. The Board agreed to put its comments in writing for the workgroup.

84 SOUTH STREET – Present for the meeting was Chip Orcutt, property manager, and Drew Garvin, R Wilson Assoc.

Orcutt explained that the property once belonged to Valleyhead Hospital. Currently it is owned by Assurance Technology. They have approximately 88 employees at the site. Total land area is eighteen acres on the northerly side of South and two acres on the southerly side. The leaching fields are on the two-acre parcel. There are two two-family homes and an apartment that was recently converted into additional office space following a fire. The system is old and they would like to replace it this fall. They did not do a Title 5 Inspection, but they did some initial soil test a few weeks ago. The Board explained that it has more discretion if it is a failed system. A voluntary upgrade must meet new construction standards. The Board can grant waivers for upgrading a failed system. The Board also advocates the use of alternative technology preferably with nitrogen treatment.

The Board noted that the original system was intended to serve a hospital and laundry. The multi-families were tied in later. Design flows for a hospital are much higher than an office. Orcutt said the business operates under a special permit. There is no manufacturing at the site, only administrative and financials. At some point, the owner may wish to retire and sell the property. It is important that the same septic capacity be kept since there is no way of predicting what the future use might involve because of the zoning restrictions. Brem suggested that they could design for the existing capacity, but only construct what was required at that time. Risso said a valve could be put in. Orcutt said there are two leaching fields. One appears to be in pristine condition. The other field has been taking all the effluent. He would like to use the clean existing field for the office flows but replace the second one also. The Board agreed this could be an option. Both Assurance Technology and the neighbors are hoping to keep the green open space.

Brem was concerned that if the field being utilized were not in failure but a voluntary upgrade, it would have to be on the same lot as the building served. Voluntary upgrades are not grandfathered. Garvin said he would look into this and whether the field is in failure. Orcutt said there is a PWS across the street, which would preclude siting a system. The Board noted that because it is a large system (<10,000 GPD) the new local regulations require a hydrological study and possibly monitoring wells. Orcutt and Garvin are aware of the requirements. They will consider their options and get back to the Board.

DISCUSSION ITEMS

Bills – It was moved (Risso) and seconded (Deignan) to approve the bills as presented. Motion passed 3-0-0.

Well Testing – Nashoba Analytical offered the best discount. The testing will be scheduled for 5/31/08. The Board agreed to test pre and post filter the six private wells identified by DEP for the Daisy 21E site cleanup.

Concord Health Department – Concord refused to reduce the annual increase from 5% to 2%. The Selectmen and the Board signed the Agreement.

Coventry Woods – the applicant has withdrawn his appeal. The Board wants to know what will happen with the five public wells installed.

Sharps Disposal – Concord is not providing a local kiosk. Municipalities need a program in place by July 1. Fantasia is getting quote from Clean Harbors. The collection site would have to be managed.

Kimball's Ice Cream Stand – inspected and approved. The Board signed the seasonal license.

Ferns Country Store – the Board reviewed a memo from the new Plumbing Inspector stating that the proposed renovations require a public restroom. The Board discussed options. DEP septic and well people should come to some agreement based on actual water usage. A tight tank would be expensive due to

frequent pump outs. Hand sanitizers may not meet the plumbing code for a public restroom. It would be difficult to keep bicyclists out of the store restroom. Local user groups may be willing to sponsor portable toilets as a temporary solution until a permanent one can be found. The Board then discussed the idea of sewerage the center of town to the school's WWTP. Funds are available from the Water Pollution Abatement Trust. The WWTP would benefit from flows that are more regular. Reducing the amount of water put into the ground might also help contain the MTBE problem in the center. There may be funds available from a TAG waste site cleanup fund. The Board agreed that the engineering would not be difficult. The Board needs to check with the school to see if the municipal use would interfere with its reimbursement funds. The Board agreed that this idea was worth pursuing. A Sewer District would need to be created along with Sewer Commissioners. The Board agreed to form a subcommittee to study the idea.

It was moved (Risso) and seconded (Deignan) to form a subcommittee for the purpose of investigating the benefits of installing a sewer system in the center of town which would be tied into the school's WWTP and consisting of Board members Risso, Deignan and Brem. Motion passed 3-0-0.

There was no further business discussed. Meeting voted to adjourn at 9:50pm

Respectfully submitted,

Linda Fantasia
Recorder